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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/622,325

07/17/2003

Mitchell C. Calderwood

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7590

12/15/2004

Gordon E. Gray III
GRAY LAW FIRM
Suite 233
4401 N. Atlantic Avenue
Long Beach, CA 90807

EXAMINER

HO, ALLEN C

ART UNIT

PAPER NUMBER

2882

DATE MAILED: 12/15/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/622,325

Applicant(s)

CALDERWOOD ET AL.

Examiner

Allen C. Ho

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 17 July 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 7-12 is/are allowed.
- 6) ☒ Claim(s) 1,4-6,13-15,17 and 18 is/are rejected.
- 7) ☒ Claim(s) 2,3 and 16 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 17 July 2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>062004, 072004</u> | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Drawings

1. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they do not include the following reference sign(s) mentioned in the description: **32, 70**. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as “amended.” If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. The replacement sheet(s) should be labeled “Replacement Sheet” in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1 and 4-6 are rejected under 35 U.S.C. 102(b) as being anticipated by Kanbar *et al.* (U. S. Patent No. 5,289,522).

With regard to claims 1 and 6, Kanbar *et al.* disclosed a dental radiography positioning system comprising: an aimer ring having a ring (16) and a bar slide (17) for alternatively and slidably engaging a posterior imaging bar (when a posterior sensor holder 11 is used) and an anterior imaging bar (when an anterior sensor holder 23 is used); the posterior imaging bar having a posterior aimer ring bar (13) and a posterior imaging platform (15) for mounting a posterior sensor holder (11); the posterior sensor holder having a tab (12) for mounting to the posterior imaging platform; the anterior imaging bar having an anterior aimer ring bar (13) and an anterior imaging platform (15) for mounting an anterior sensor holder (23); and the anterior sensor holder having a tab (24) for mounting to the anterior imaging platform.

With regard to claim 4, Kanbar *et al.* disclosed the dental radiography positioning system of claim 1, further comprising a horizontal bitewing sensor holder (11).

With regard to claim 5, Kabar *et al.* disclosed the dental radiography positioning system of claim 1, further comprising a vertical bitewing sensor holder (23).

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4. Claim 13 is rejected under 35 U.S.C. 102(b) as being anticipated by Tanaka (U. S. Patent No. 5,450,465).

With regard to claim 13, Tanaka disclosed a dental radiography posterior sensor holder comprising a flexible sleeve (21) for holding a digital radiography sensor where the sleeve has a sleeve base (20a) and a sleeve back (20b); where the sleeve base has a tab (24c) for engaging a posterior imaging bar, and where the sleeve back has a gripping tab (22) for being held by a gripping tool. Note: Apparatus claims must be distinguishable from the prior art in terms of structure rather than function. MPEP § 2114.

5. Claims 14 and 15 are rejected under 35 U.S.C. 102(b) as being anticipated by McAuslan (U. S. Patent No. 4,592,084).

With regard to claim 14, McAuslan disclosed a dental radiography anterior sensor holder comprising a flexible sleeve (16) for holding a digital dental radiography sensor and two arms (20) extending from the sleeve, where each arm is slotted (38, 40) for engaging an anterior imaging bar. Note: Apparatus claims must be distinguishable from the prior art in terms of structure rather than function. MPEP § 2114.

With regard to claim 15, McAuslan disclosed the dental radiography anterior sensor holder of claim 14, where each arm extends from the sleeve at a pre-determined angle (90 degrees).

6. Claims 17 and 18 are rejected under 35 U.S.C. 102(b) as being anticipated by Eppinger *et al.* (U. S. Patent No. 6,343,875 B1).

With regard to claim 17, Eppinger *et al.* disclosed a dental radiography anterior imaging bar comprising an aimer ring bar (12) supporting an anterior imaging platform; where the

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anterior imaging platform has two pressure slots (31, 40) and an angled base (20); and where the aimer ring bar has an S-curve.

With regard to claim 18, Eppinger *et al.* disclosed the dental radiography anterior imaging bar of claim 17, where the imaging platform further comprises two support arms extending from below the pressure slots (Fig. 1).

Allowable Subject Matter

7. Claims 2, 3, and 16 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

8. Claims 7-12 are allowed.

9. The following is a statement of reasons for the indication of allowable subject matter:

With regard to claims 7-12, the prior art fails to teach or fairly suggest a dental radiography posterior imaging bar comprising an aimer ring bar perpendicularly elevated from an imaging bar, a first posterior imaging platform, a second posterior imaging platform, each having a sensor stop and a sensor holder slot for supporting a sensor holder as claimed in claim 7.

Conclusion

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

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- (1) Dove *et al.* (U. S. Patent No. 6,190,042 B1) disclosed a dental x-ray aiming device.
- (2) Winters *et al.* (U. S. Patent No. 6,033,111) disclosed an apparatus for an x-ray positioning system.
- (3) Willis *et al.* (U. S. Patent No. 5,799,058) disclosed an x-ray machine cone locator attached to radiographic film holder.
- (4) Levy (U. S. Patent No. 5,327,477) disclosed a film positioning system for dental x-ray procedure.
- (5) Wijkström (U. S. Patent No. 5,022,065) disclosed an imaging platform comprising multiple pressure slots.
- (6) Colbert (U. S. Patent No. 4,593,401) disclosed a sensor holder comprising two arms.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Allen C. Ho whose telephone number is (571) 272-2491. The examiner can normally be reached on Monday - Friday from 8:00 am - 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward J. Glick can be reached at (571) 272-2490. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Allen C. Ho
Patent Examiner
Art Unit 2882

11 December 2004